**From:** FOI
**To:** [redacted]
**Subject:** FOI 93/17 Potential Electoral Fraud UKPGE 2017
**Date:** 13 July 2017 15:32:05

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Dear [redacted],

**Our Ref: FOI 93/17**

Thank you for your email to the Electoral Commission dated 10 June 2017, received by the Commission on 12 June 2017.

The Commission aims to respond to requests for information promptly and regrets that we have not done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

You have requested:

**I have seen various posts on social media (Since removed once comments about the legality were posted) from students bragging about the fact they voted twice in the recent general election, particularly by using a proxy/postal vote for their home address and then in person in their University Constituency .**

**I understand the reasons for certain people being able to register in 2 locations and the fact the practice of voting twice in General elections is illegal but have the following questions I would like answered:**

1. **What controls exist to prevent someone registered in 2 constituencies from voting twice in them locations either by post or proxy in one or by travelling between the constituencies on election day?**
2. **Have any formal complaints of this nature of election fraud been received?**
3. **Are there any active enquiries into this type of election fraud ongoing?**
4. **Given some of the tight results in the recent election is any checking for this activity in place?**
5. **What is the process for logging complaints or concerns around election fraud?**
6. **Should large scale election fraud of this nature be uncovered what action would be taken, would the seats affected be recounted, re-voted on etc, in particular if it was discovered this activity had led to a material change in the result?**

Our response is as follows:

**We hold some information which is relevant to your request.**

**1. What controls exist to prevent someone registered in 2 constituencies from voting twice in them locations either by post or proxy in one or by travelling between the constituencies on election day?**

People who are lawfully registered to vote in respect of two separate addresses are entitled to vote in local government elections at each of those addresses, provided they are not in the same local government area.

It is, however, an offence under Section 61(2)(a) of the RPA 1983, for an elector to cast more than one vote on their own behalf in a UK Parliamentary general election or at a referendum. This offence carries a fine which is unlimited in England and Wales, or a fine not exceeding £5,000 in Scotland.

There are no specific controls which would prevent someone registered in two constituencies from voting in each constituency. Electoral registers are held at the local level by Electoral Registration Officers appointed by each local authority in Great Britain, and by the Chief Electoral Officer in Northern Ireland. There is currently no centrally compiled database of local electoral registers, which means that there is no system in place to automatically identify those electors who are included in more than one register.

We have provided advice to UK police forces about how to investigate allegations that an individual may have voted twice, including obtaining from the relevant Returning Officers the marked copy of the register. The marked register records those electors who have been issued with and returned a postal ballot pack and those who have been issued with a ballot paper in a polling station. This information can be used by the police to investigate whether someone may have committed the offence of voting twice.

**2. Have any formal complaints of this nature of election fraud been received?**

Where allegations involve potential criminal offences such as those outlined above, it would be for the relevant local police force to consider and take appropriate steps to investigate any allegations. We work with the National Police Chiefs' Council to provide guidance to police forces, including developing the *Authorised Professional Practice on policing elections,* which has been published by the College of Policing on their website at www.app.college.police.uk/app-content/policing-elections/. The Electoral Commission does not, however, have any direct role in investigating allegations of electoral fraud under the RPA 1983.

We advise anyone who has evidence that someone may have voted twice in the recent UK Parliamentary general election that they should report it to the police force covering either voting area. They should use the normal approach for reporting non-emergency crime, which includes phoning 101 or contacting Crimestoppers, the anonymous reporting charity, on 0800 555 111 or at https://crimestoppers-uk.org/give-information/give-information-online/.

Although the Electoral Commission does not have any role in receiving or investigating specific allegations of electoral fraud, we have received a significant number of general queries as to this matter following the 2017 UK Parliamentary General Election. Where we receive any specific allegation of voting twice, we will refer any evidence to the relevant police force.

**3. Are there any active enquiries into this type of election fraud ongoing?**

For the reasons given above, the Commission does not have any active enquiries.

It is possible that individual police forces will have active enquiries but we do not have any specific information as to this at present.

The Commission analyses and publishes a report each year based on data provided by the police of electoral fraud enquiries conducted by the police across the country, and we anticipate that any enquiries relating to voting twice will be included in the next report after those enquiries are completed.

**4. Given some of the tight results in the recent election is any checking for this activity in place?**

As explained above in response to question 1, it is not possible for Returning Officers, police forces or the Electoral Commission to carry out large-scale checking to detect potential instances of people voting more than once. We expect that individual police forces will investigate specific allegations where evidence is provided to indicate that an offence may have been committed.

**5. What is the process for logging complaints or concerns around election fraud?**

We have interpreted the phrase 'election fraud' here as referring to potential offences under the Representation of the People Act 1983, which makes provisions as to the conduct of elections and the rules relating to the conduct of voters and candidates. The Commission does not have any powers of investigation or sanction in relation to the Act. We have publicly called for such powers to be given to us.

We do however have an oversight role, and a duty to ensure that the rules are followed. On that basis, specific complaints or concerns about the rules being potentially broken are a matter for the police and, as noted above, where we receive any specific allegation we will refer the person raising the matter to the police.

We also collect, analyse and publish data from police forces about cases of alleged electoral fraud in the UK each year. You can view electoral fraud data and our analysis on our data and analysis page at https://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/data-and-analysis

We monitor and consider concerns of a general nature about whether the rules are adequate and effective, and will from time to time make recommendations for change. As already started, we have done so in relation to the issue you raise.

**6. Should large scale election fraud of this nature be uncovered what action would be taken, would the seats affected be recounted, re-voted on etc, in particular if it was discovered this activity had led to a material change in the result?**

The Representation of the People Act 1983 makes it an offence to vote twice. There is no automatic consequential action in relation to the result of the election. However, where a candidate or voter felt that the result of an election was called into question as a result of corrupt or illegal practices that person would be able to

seek to bring an election petition to the High Court, and the matter would be considered by an election court. A petition must be brought within 21 days of the declaration of the particular election (i.e. the constituency or constituencies) result concerned. The court could annul the result of the election and order a new election to be held. More detailed information about the election petition process can be found online at https://www.gov.uk/challenge-election-result.

I trust that this information satisfies your request. If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: http://www.ico.gov.uk.

Yours sincerely,

[redacted]

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